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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 UNITED STATES OF AMERICA,)

No. CR 08-0479- JW

13 Plaintiff,)

14 v.)

15 LUIS ENRIQUE DEMETRIO MENDOZA)

**STIPULATION AND
[PROPOSED] ORDER REGARDING
EXCLUSION OF TIME**

a/k/a DEMETRIO MENDOZA,)

16 a/k/a LUIS E. MENDOZA,)

17 Defendant.)
18 _____)
19)

20 The defendant came before the Court for arraignment status conference on July 29, 2008. At
21 that hearing, the case was set for status conference on September 15, 2008.

22 The parties agreed, and the Court found, that the time between July 29, 2008 and September
23 15, 2008, is properly excluded under the Speedy Trial Act, Title 18, United States Code, Sections
24 3161(h)(8)(A) and (h)(B)(iv). The parties represent and this Court found that the this delay is
25 necessary to allow counsel for the Defendant to receive and review discovery to effectively
26 prepare for trial. The parties agree that the ends of justice served by granting the requested
27 continuance outweigh the best interest of the public and the defendants in a speedy trial.
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1 For the foregoing reasons, and as stated on the record at the hearing on July 29, 2008, the
2 Court HEREBY ORDERS the period between July 29, 2008 and September 15, 2008, is
3 excluded from the speedy trial calculation under Title 18, United States Code, Sections
4 3161(h)(8)(A) and (h)(B)(iv).

5
6 DATED: July 31, 2008

/s/ Cynthia Stier
CYNTHIA STIER
Counsel for United States

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8 DATED: July 31, 2008

/s/ Frederic Warner
FREDERIC WARNER
Counsel for Luis Mendoza

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10
11 ORDER

12 For the foregoing reasons, the Court HEREBY ORDERS the period between July 29, 2008
13 and September 15, 2008, excluded from the speedy trial calculation under Title 18, United States
14 Code, Sections 3161(h)(8)(A) and (h)(B)(ii) and (iv). The Court finds that the failure to grant the
15 requested continuance would unreasonably deny defense counsel the reasonable time necessary
16 for effective preparation. The Court finds that the ends of justice served by granting the
17 requested continuance outweigh the best interest of the public and the defendant in a speedy trial
18 and in the prompt disposition of criminal cases.

19 IT IS SO ORDERED.

20 DATED:

JAMES WARE
United States District Judge

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28 Stipulation and [proposed] Order
Regarding Exclusion of Time,
No. CR 08-749 JW